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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

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THE PEOPLE,

Plaintiff and Respondent,

v.

HARLEY JAMES EPPERSON,

Defendant and Appellant.

C065006

(Super. Ct. Nos.  
09F6476, 09F8371)

Defendant Harley James Epperson pled no contest to first degree burglary (Pen. Code, § 459)<sup>1</sup> and admitted a prior strike based on a previous first degree burglary conviction (§ 1170.12, subd. (b)(1)). He pled no contest in a separate case to failure to appear (§ 1320, subd. (b)) and admitted the prior strike conviction for purposes of this plea as well. In exchange for his pleas, the remaining charges and enhancements were dismissed and it was agreed he would be sentenced to state prison for a total term of nine years four months. Defendant was sentenced forthwith in accordance with this agreement.

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

According to the probation report, the victim awoke and discovered two men standing in her living room. She screamed at the men to get out of her house, and the men fled. A short time later, defendant was apprehended in a field with the assistance of a California Highway Patrol helicopter. Defendant was released on his own recognizance three times on this offense, each time failing to return to court as promised. Defendant previously was convicted of first degree burglary in 2000.

Defendant appealed.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief setting forth the facts of the case and, pursuant to *People v. Wende* (1979) 25 Cal.3d 436, requesting the court to review the record and determine whether there are any arguable issues on appeal. Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

We have undertaken an independent examination of the entire record and have found no arguable error that would result in a disposition more favorable to defendant.

#### **DISPOSITION**

The judgment is affirmed.

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RAYE, P. J.

We concur:

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NICHOLSON, J.

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MAURO, J.